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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,778	01/25/2006	Kazuhito Kurita	284681US6PCT	7592
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
KIJMOWICZ, WILLIAM JOSEPH				
ART UNIT		PAPER NUMBER		
2627				
NOTIFICATION DATE		DELIVERY MODE		
03/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/565,778

Applicant(s)

KURITA ET AL.

Examiner

William J. Klimowicz

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/308)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 01/25/06/04/24/06

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure:

(i) Claim 4 (line 3), "said arcuate section."

(ii) Claim 6 (line 5), "said optical disc."

Additionally, since claim 7 depends directly or indirectly from claim 6, it too is thus rejected under the second paragraph of 35 U.S.C. § 112.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Takemasa et al. (JP 2000-090539 A).

As per claim 1, Takemasa et al. (JP 2000-090539 A) discloses a disc cartridge (3) (see FIG. 6B) comprising: a disc (3b); and a main cartridge body unit (3) adapted for rotatably housing said disc (3b) therein and provided in at least one surface (bottom surface of cartridge (3) resting upon (13) as seen in FIG. 6B) thereof with a recording and/or reproducing aperture (see aperture in FIG. 6B, wherein the pickup is allowed to optically access the disk (3b)) for exposing a part of said disc (3b) across inner and outer rims thereof; wherein an opening (opening on bottom of cartridge (3) into which portion of turntable (13) engages the disk (3b)) into which for a driving unit (portion of (13)), into which is intruded at least a part of rotational driving means (portion of (13) engaging disk (3b)), configured for rotationally driving said disc (3b), is formed in one surface of said main cartridge body unit (3); the inner peripheral surface of said opening for the driving unit operating as a mounting reference plane in a planar direction for mounting the disc cartridge on a recording and/or reproducing apparatus (that is the vertical wall portion of cartridge (3) which faces the turntable (13) and which corresponds to turntable portion (13c) as best seen in FIG. 5; cf. FIGS. 5 and 6B); the peripheral edge of said opening for the driving unit in said one surface operating as a mounting reference plane in the height-wise direction for mounting the disc cartridge on the recording and/or reproducing apparatus (that is the bottom wall portion of (3) which sits on and is supported by the turntable (13) and which corresponds to turntable portion (13a) as best seen in FIG. 5; cf. FIGS. 5 and 6B).

Applicant should keep in mind that claim 1 is drawn to the cartridge, per se, and as such, any cartridge having the aforementioned opening for allowing access to a spindle motor turntable will structurally meet the claim, since the structure of a turntable is not needed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuga (JP 2003-115152 A) in view of Takemasa et al. (JP 2000-090539 A).

As per claim 6, Kasuga (JP 2003-115152 A) discloses a disc recording and/or reproducing apparatus (1) (FIG. 1) comprising: a cartridge holder (12A) on which is loaded a disc cartridge (2) including a main cartridge body unit (2), said main cartridge body unit having rotatably housed a disc (23), said main cartridge body unit (2) being provided in at least one surface thereof with a recording and/or reproducing aperture for exposing a part of said optical disc (23) across inner and outer rims (see FIGS. 6 and 7), there being formed in one surface of said main cartridge body unit (2) an opening (see FIG. 7), into which is intruded at least a part of rotational driving means configured for rotationally driving said disc (23).

As per claim 2, wherein a lateral side of said main cartridge body unit (2) is formed as a substantially semicircular arcuate section having the center of said disc (23) housed in said main cartridge body unit as center - see, e.g. FIGS. 5-7.

As per claim 3, wherein said arcuate section is formed on a side of insertion of said main cartridge body unit (2) into the recording and/or reproducing apparatus (1) - see, e.g. FIGS. 5-7 and FIG. 1.

As per claim 4, wherein said recording and/or reproducing aperture is formed facing a lateral side of said main cartridge body unit (2) other than the lateral side formed as said arcuate section - see, e.g. FIGS. 5-7.

As per claim 5, further comprising: a shutter unit (25) for opening/closing said recording and/or reproducing aperture; and a slide guide (e.g., the upper section of (21) that faces shutter (25) and upon which the shutter (25) slides, as best seen in FIG. 5) formed on said main cartridge body unit (2) for movably carrying said shutter unit (25); said slide guide being provided such that, when an inner peripheral surface is set on said recording and/or reproducing apparatus, a mounting reference plane in said height-wise direction is protruded from said slide guide towards said rotational driving means (since the portion (21) is provided on the upper half, and the lower half (22) is the side that sets of the turntable and is closer thereto that side (21) - see, e.g. FIGS. 5-7.

As per claims 1 and 6, however, Kasuga (JP 2003-115152 A) does not expressly disclose wherein the inner peripheral surface of said opening operating as a mounting reference plane in a planar direction for mounting the disc cartridge on a recording and/or reproducing apparatus; the peripheral edge of said opening in said one surface operating as a mounting reference plane in the height-wise direction; a cartridge support part having a fitting protrusion fitted in said opening for a driving unit of said disc cartridge, said cartridge support part carrying the peripheral edge of said opening for the driving unit of said disc cartridge; and a loading support

part for positioning said disc cartridge in the horizontal direction and in the height-wise direction.

Such structure is known, however. Takemasa et al. (JP 2000-090539 A) discloses a disc cartridge (3) (see FIG. 6B) comprising: a disc (3b); and a main cartridge body unit (3) adapted for rotatably housing said disc (3b) therein and provided in at least one surface (bottom surface of cartridge (3) resting upon (13) as seen in FIG. 6B) thereof with a recording and/or reproducing aperture (see aperture in FIG. 6B, wherein the pickup is allowed to optically access the disk (3b)) for exposing a part of said disc (3b) across inner and outer rims thereof; wherein an opening (opening on bottom of cartridge (3) into which portion of turntable (13) engages the disk (3b)) into which for a driving unit (portion of (13)), into which is intruded at least a part of rotational driving means (portion of (13) engaging disk (3b)), configured for rotationally driving said disc (3b), is formed in one surface of said main cartridge body unit (3); the inner peripheral surface of said opening for the driving unit operating as a mounting reference plane in a planar direction for mounting the disc cartridge on a recording and/or reproducing apparatus (that is the vertical wall portion of cartridge (3) which faces the turntable (13) and which corresponds to turntable portion (13c) as best seen in FIG. 5; cf. FIGS. 5 and 6B); the peripheral edge of said opening for the driving unit in said one surface operating as a mounting reference plane in the height-wise direction for mounting the disc cartridge on the recording and/or reproducing apparatus (that is the bottom wall portion of (3) which sits on and is supported by the turntable (13) and which corresponds to turntable portion (13a) as best seen in FIG. 5; cf. FIGS. 5 and 6B).

Additionally, a cartridge support part having a fitting protrusion fitted in said opening (13c) (see FIG. 5 and 7) for a driving unit of said disc cartridge, said cartridge support part

carrying the peripheral edge of said opening for the driving unit (13) of said disc cartridge (3); and a loading support part (13a) (see FIGS. 5 and 7) for positioning said disc cartridge in the horizontal direction and in the height-wise direction.

Additionally, as per claim 7, wherein said loading support part (13a) (FIG. 5) is formed for surrounding the outer rim of rotation driving means (i.e., (13a) surrounds and is located outward of portion (13c) as seen in FIG. 5) adapted for rotationally driving said disc.

Given the express teachings and motivations, as espoused by Takemasa et al. (JP 2000-090539 A), it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the structure as set forth in claims 1 and 6, as taught by Takemasa et al. (JP 2000-090539 A), to the device of Kasuga (JP 2003-115152 A).

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the structure as set forth in claim 6, as taught by Takemasa et al. (JP 2000-090539 A), to the device of Kasuga (JP 2003-115152 A) in order to allow the drive of Kasuga (JP 2003-115152 A) to function as a compatible disk layer, capable of playing media with bare discs and with discs loaded in cartridges, as expressly taught and suggested by Takemasa et al. (JP 2000-090539 A).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William J. Klimowicz/
Primary Examiner, Art Unit 2627